

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Mohammad F. Al Shamleh, Mah'd F.)	
Shamleh,)	C/A No. 2:08-1949-MBS
)	
Petitioners,)	
)	
vs.)	ORDER
)	
Christina Poulos, in her official capacity,)	
Director California Service Center,)	
U.S. Citizenship and Immigration Services,)	
Department of Homeland Security;)	
Jonathan Scharfen, in his official capacity,)	
Acting Director, United States)	
Citizenship and Immigration Services,)	
Department of Homeland Security; and)	
Michael Chertoff in his official capacity,)	
Secretary, Department of Homeland)	
Security,)	
)	
Respondents.)	
)	

On May 20, 2008, Petitioners Mohammad F. Al Shamleh and Mah'd F. Al Shamleh, proceeding pro se, filed the within petition for writ of mandamus seeking to compel the Department of Homeland Security to adjudicate in an expedited manner Petitions for Alien Relative filed on behalf of Hala M. Al Shamleh, daughter of Petitioner Mohammad F. Al Shamleh; and Fathi M. Al Shamleh, son of Petitioner Mah'd F. Al Shamleh.

This matter is before the court on motion to dismiss filed by Respondents on July 28, 2008. (Entry 12). Respondents contend that the within action is moot because the Petitions for both children were adjudicated on July 14, 2008. On July 30, 2008, an order was issued pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975), advising Petitioners of the dismissal procedures and the possible consequences if he failed to respond adequately. On August 4, 2008, Petitioners

filed a letter requesting that the action be dismissed because they had received approval notices on July 14, 2008.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Robert S. Carr for pretrial handling. On August 5, 2008, the Magistrate Judge issued a Report and Recommendation in which he recommended that the within action be dismissed as moot.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

It appears that the within matter has been resolved. Accordingly, the petition for a writ of mandamus is dismissed as moot.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina
August 7, 2008